

Unofficial Document

Amend printed copy of **HB 179 GA**

On page 1, after the enacting clause, insert the following:

"➔SECTION 1. KRS 313.010 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Dentistry;*
- (2) "Certified dental technician" means an individual recognized as such by the National Board for Certification in Dental Laboratory Technology;*
- (3) "Dentist" means any person who has graduated from a Commission on Dental Accreditation (CODA) accredited dental school and has been conferred with the degree of "Doctor of Medical Dentistry" (D.M.D.) or "Doctor of Dental Surgery" (D.D.S.);*
- (4) "Dental hygienist" means any person who has graduated from a CODA accredited dental hygiene program at an institute of higher learning and has been credentialed as a "Registered Dental Hygienist";*
- (5) "Registered dental assistant" means any person who is registered with the board and works under the direct supervision of a dentist;*
- (6) "Dental auxiliary personnel" means any staff member of a dental office not licensed by or registered with the board;*
- (7) "Dental laboratory" includes any person, firm, or corporation other than a licensed*

Amendment No. _____

Sen. Julie Denton

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: Jonathan Scott

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXXXX

Unofficial Document

dentist, who directly or through an agent or employee, by any means or method, in any way supplies or manufactures artificial substitutes for the natural teeth, other than those unfinished substitutes normally available through dental supply houses, or who furnishes supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth or who performs or offers or undertakes to perform or accomplish dental laboratory technology;

(8) "Dental laboratory technician" means any person who performs or offers or undertakes to perform or accomplish dental laboratory technology;

(9) "Dentistry" means the evaluation, diagnosis, prevention, or surgical, nonsurgical, or related treatment of diseases, disorders, or conditions of the oral cavity, maxillofacial area, or the adjacent and associated structures and their impact on the human body provided by a dentist within the scope of his or her education, training, and experience and in accordance with the ethics of the profession and applicable law. Any person shall be regarded as "practicing dentistry" who, for a fee, salary, or other reward paid, or to be paid either to himself or herself, or to another person, performs or advertises to perform, dental operations of any kind, including the whitening of natural or manufactured teeth, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures, or who takes impressions of the human teeth or jaws to be used directly in the fabrication of any intraoral appliance, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the written laboratory procedure work order of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell, or deliver any such substitute or the services rendered in the construction, reproduction, supply, or

Unofficial Document

repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or who uses the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or title in connection with his or her name, which in any way represents him or her as being engaged in the practice of dentistry;

(10) "Dental hygiene" means the treatment of the oral cavity, including but not limited to dental hygiene assessment or screening, scaling and root planing, nonsurgical therapy, removing calcareous deposits, removing accumulated accretion from beneath the free gingival margin, cavity preventive procedures, periodontal procedures that require administering antimicrobial agents along with other general dentistry activities outlined in the treatment care plan and not prohibited by this chapter or by administrative regulation promulgated by the board;

(11) "Dental specialist" means a dentist who practices in fields of specialty recognized and approved by the American Dental Association;

(12) "Delegated duties list" means the list of procedures authorized in administrative regulation which may be delegated by a dentist licensed under this chapter to a licensed dental hygienist or a registered dental assistant;

(13) "Direct supervision" means that the dentist is physically present in the dental office or treatment facility, personally diagnoses the condition to be treated, authorizes the procedures to be performed, remains in the dental office or treatment facility while the procedures are being performed, and evaluates the performance of the individual supervised;

(14) "General supervision" means a circumstance of treatment in which a dentist licensed under this chapter must diagnose and authorize the work to be performed on a patient by the dental hygienist authorized pursuant to administrative regulation to work under general supervision but the dentist is not required to be on the premises while the

Unofficial Document

treatment is carried out;

(15) "Telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education; and

(16) "Volunteer community health setting" means a setting in which services are rendered at no charge to the patient or to third-party payors.

➔SECTION 2. KRS 313.020 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed by the Governor to a four (4) year term. Seven (7) members of the board shall be licensed dentists appointed from a list of three (3) names recommended for each board position by the resident licensed dentists of Kentucky at an annual election at a time selected by the Kentucky Board of Dentistry. Two (2) members of the board shall be dental hygienists licensed to practice dental hygiene in the Commonwealth. Each appointment to the board of a licensed dental hygienist shall be made from a list of three (3) names recommended for this position by the resident licensed dental hygienists of Kentucky at an annual election at a time selected by the board. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. One (1) nonvoting ex officio representative from each the University of Kentucky and the University of Louisville shall represent the dental schools' interests. One (1) nonvoting ex officio representative from a hygiene program not associated with the University of Kentucky or the University of Louisville shall represent the dental hygiene programs' interests. The hygiene school seats shall rotate on a yearly basis. One (1) nonvoting ex officio representative from the Department for Public Health shall represent the department's interests.

(2) Individuals seeking board appointment, other than the citizen member, shall have been

- an actual resident and licensed practicing dentist or dental hygienist of the Commonwealth for not less than five (5) years immediately preceding his or her appointment to the board, be in good standing with the board, and shall not have been disciplined by the board in the past eight (8) years. A voting member shall not receive compensation from or have a financial interest in any dental college or dental department of any institution of learning, dental supply business, or any entity over which the board has regulatory authority or sets standards for. For this subsection alone, a private admonishment shall not count as discipline.
- (3) No board member shall serve more than two (2) consecutive terms. A member appointed to a partial term vacancy exceeding two (2) years shall be deemed to have served one (1) full term. A former member may be reappointed following an absence of one (1) term.
- (4) The board shall annually:
- (a) Meet at least four (4) times a year;
 - (b) At the first meeting of the board after July 1, elect officers of the board by majority vote of the members present; and
 - (c) Set a schedule of at least four (4) regular meetings for the next twelve (12) month period.
- (5) A majority of the voting members of the board shall constitute a quorum for the transaction of business.
- (6) (a) A member of the board who misses three (3) regular meetings in one (1) year shall be deemed to have resigned from the board, and his or her position shall be deemed vacant.
- (b) The failure of a board member to attend a special or emergency meeting shall not result in any penalty.
 - (c) The year specified in paragraph (a) of this subsection shall begin with the first meeting missed and end three hundred sixty-five (365) days later or with the third

Unofficial Document

meeting missed, whichever occurs earlier.

(d) The Governor shall appoint a person of the same class to fill the vacancy within ninety (90) days.

(e) A person removed under this subsection shall not be reappointed to the board for four (4) years.

(7) Each voting member of the board shall receive any necessary expenses incurred in attending its meetings. Each voting member shall receive as compensation two hundred dollars (\$200) for each day actually engaged in the duties of his or her office.

(8) Annual reports and recommendations from the board shall be sent by February 1 each year to the Governor and the General Assembly.

➔SECTION 3. KRS 313.021 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The board shall:

(a) Exercise all of the administrative functions of the Commonwealth in the regulation of the profession of dentistry, including but not limited to dentists, dental hygienists, dental assistants, and dental laboratories;

(b) Subject to the provisions of this chapter, create levels of licensure or registration as appropriate for individuals providing services under this chapter. These shall consist of:

1. Dentist;

2. Dental hygienist; and

3. Dental assistant;

(c) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A for any license or registration the board may create. The administrative regulations shall, at a minimum, address:

1. Requirements for students, if appropriate;

Unofficial Document

2. Requirements for education;
 3. Eligibility for licensure or registration; and
 4. Renewal requirements;
- (d) Oversee the operations and establish the organizational structure of the Office of the Kentucky Board of Dentistry, which is created and shall be attached to the board for administrative purposes. The office shall be headed by the executive director appointed under paragraph (e) of this subsection and shall be responsible for:
1. Personnel and budget matters affecting the board;
 2. Fiscal activities of the board, including grant writing and disbursement of funds;
 3. Information technology, including the design and maintenance of databases;
 4. Licensure of dentists and dental hygienists;
 5. Registration of dental assistants;
 6. Investigation of complaints; and
 7. Other responsibilities which may be assigned to the executive director by the board;
- (e) Employ an executive director and fix his or her compensation. The executive director shall serve at the pleasure of the board, administer the day-to-day operations of the Office of the Kentucky Board of Dentistry, and supervise all directives of the board. The executive director shall possess a baccalaureate degree and shall have no less than five (5) years of experience in public administration;
- (f) Employ or contract with an attorney licensed to practice law in Kentucky and fix his or her compensation. The attorney shall serve at the pleasure of the board and have primary assignment to the board;
- (g) Employ or contract with personnel sufficient to carry out the statutory

Unofficial Document

responsibilities of the board;

- (h) Establish committees and subcommittees and the membership thereof. Members of committees and subcommittees shall not need to be members of the board;
 - (i) Provide for affiliation with the American Association of Dental Boards;
 - (j) Select the subject matter and standards of proficiency for examinations related to issuance of licenses or registrations issued under this chapter or administrative regulations promulgated hereunder; and
 - (k) Have the authority to issue advisory opinions and declaratory rulings related to this chapter and the administrative regulations promulgated thereunder as established by administrative regulation.
- (2) The board may utilize materials, services, or facilities as may be made available to it by other state agencies or may contract for materials, services, or facilities.
- (3) The board shall develop a proposed biennial budget for all administrative and operational functions and duties.

➔SECTION 4. KRS 313.022 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) The board shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, prescribe a schedule of reasonable fees, charges, and fines not to exceed the national average of other state dental boards for:
- (a) Examination;
 - (b) Issuance, renewal, and reinstatement of licenses;
 - (c) Issuance, renewal, and reinstatement of registrations;
 - (d) Inspections and reinspections;
 - (e) Applications;
 - (f) Other services and materials provided by the board;
 - (g) Investigations;

Unofficial Document

- (h) Administrative legal costs; and
- (i) Fines for infractions.
- (2) All fees, charges, or other moneys collected or received by the board shall be paid into the State Treasury and credited to a trust and agency fund which, notwithstanding KRS 45.229, shall not lapse, to be used by the board for the carrying out of the provisions of this chapter.
- (3) All disbursements by the board in the transactions of its business and in the enforcement of the provisions of this chapter shall be paid out of such trust and agency account as claims against the state in accordance with the provisions of KRS Chapters 45 and 45A.
- (4) The board may establish a petty cash fund not to exceed one thousand dollars (\$1,000) for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS 45A.045 applying to the delegation of authority to purchase.

➔SECTION 5. KRS 313.030 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) The license or registration held by a dentist, dental hygienist, or dental assistant shall be valid for a period of two (2) years.
- (2) Each license or registration held by a dentist, dental hygienist, or dental assistant shall expire on December 31. A dentist's license shall expire in odd-numbered years, while all other licenses or registrations issued by the board shall expire in even-numbered years.
- (3) Each license or registration held by any person issued under the provisions of this chapter shall be renewed at least biennially. Upon receipt of the application and fee, the board shall verify the accuracy of the application to determine whether the licensee or person seeking licensure or registration has met all the requirements as set forth in this chapter and in the administrative regulations promulgated by the board, and, if so, shall issue to the applicant a license or registration to practice or engage in the activity for the ensuing licensure or registration period. Such license or registration shall render the

Unofficial Document

holder a legal practitioner of the practice or activity specified in the license or registration for the period stated on it. The board shall prescribe by administrative regulation promulgated in accordance with KRS Chapter 13A the beginning and ending of the licensure or registration period.

- (4) Any person who is licensed or registered by the board who allows his or her license or registration to lapse by failing to renew the license or registration as provided in this section may be reinstated by the board on payment of the current fee for original licensure or registration in addition to any late fees and by meeting the requirements of administrative regulations promulgated by the board.
- (5) An application for renewal of a license or registration shall be completed online or, if a written request is made to the board prior to November 1 of the year of expiration, a paper application shall be sent to the last known address of each licensee or certified or registered person requesting a paper application.
- (6) Any person engaging in any practice or activity regulated by the board during the time his or her license or registration has lapsed shall be considered practicing with an expired license or registration and shall be subject to the penalties provided for violations of this chapter.
- (7) Failure to receive the application for renewal of a license or registration shall not relieve a dentist, dental hygienist, or dental assistant from the duty to renew his or her license or registration prior to December 31 of the year in which the license or registration expires.
- (8) The duration of any license or registration issued by the board may be limited by disciplinary action of the board.
- (9) Every license or registration issued by the board shall have the seal of the board affixed. A holder of a license or registration shall retain it in his or her possession and be prepared to exhibit it upon demand by an employer or anyone to whom the holder of the license or registration offers treatment or any board or staff member of the Kentucky

Unofficial Document

Board of Dentistry. Each license or registration issued by the board shall be posted in a conspicuous place in each place of employment of the dentist, dental hygienist, or dental assistant.

(10) Failure or refusal to produce a license or registration upon demand shall be prima facie evidence that no such license or registration exists.

(11) In order to ensure a proper transition during the implementation of the provisions of this section, the board may, for a period of no longer than three (3) years, extend a license or registration of any person in order to utilize the expiration date provided for in this section. The board shall, in writing, notify each person whose license or registration is extended of the extension and the new date of expiration. The extension shall be without charge.

➔SECTION 6. KRS 313.035 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to dentists. The administrative regulations shall include the classification of and licensure of dentists, by examination or credentials, the licensure of specialists, student limited licenses, faculty limited licenses, reciprocity, retirement of a license, reinstatement of a license, charity licenses, and conscious sedation and anesthesia permits.

(2) Renewal programs shall be organized to include continuing education approved by the board.

(3) For the purposes of licensure of specialists the board shall only recognize fields of specialty duly recognized and approved by the American Dental Association. Individuals licensed as specialists shall not practice outside of that specialty except as provided for in charitable dentistry as defined by administrative regulation, during a declared disaster by order of the Governor, or when the special needs of the patient require they be followed

Unofficial Document

past the age of eighteen (18) by a pediatric dentist.

(4) No person licensed under this chapter, who in good faith renders emergency care at the scene of an emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

(5) Any dentist who serves on any committee, board, commission, or other entity which is duly constituted by any licensed hospital, dental society or association affiliated with the American Dental Association, dental care foundation affiliated with such dental society or association or governmental or quasi-governmental agency for the purpose of reviewing and evaluating the dental acts of other dentists, or dental auxiliary personnel, shall not be required to respond in damages for any action taken by him or her in good faith as a member of such committee, board, commission, or other entity.

(6) Licensed dentists may prescribe any drug necessary within the scope of their practice.

(7) Dentists may sign death certificates the same as physicians, when necessary in the line of their profession.

(8) Nothing in this chapter shall apply to a legally licensed doctor of medicine unless he or she practices dentistry as a specialty.

(9) Nothing in this chapter shall apply to a practitioner of dentistry duly licensed by another state or the District of Columbia while making a clinical demonstration before a dental society, convention, association of dentists, or a dental school.

➔SECTION 7. KRS 313.040 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to dental hygienists. The administrative regulations may include at a minimum the classification of and licensure of dental hygienists, by examination or credentials, general supervision privileges, anesthesia registration, retirement of a license, reinstatement of a license, and charity licenses.

- (2) Renewal programs shall be organized to include continuing education approved by the board.
- (3) A licensed dental hygienist shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter and may practice:
- (a) In a dental office, public or private school, health care facility, or government institution with a dentist on staff;
 - (b) Without the physical presence of a supervising dentist as provided in administrative regulations promulgated pursuant to subsections (6), (7), and (8) of this section; or
 - (c) Without a supervising dentist if providing screening services in accordance with subsection (9) of this section.
- (4) It shall be unlawful for a person or corporation to practice dental hygiene in a manner that is separate or independent from the dental practice of a supervising dentist or to establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.
- (5) A dental hygienist may be employed by the supervising dentist or under contract with a dentist licensed under this chapter who is one (1) of the following:
- (a) The employer of the supervising dentist;
 - (b) A shareholder in a professional association formed under KRS 274.015 of which the supervising dentist is a shareholder;
 - (c) A member or manager of a limited liability company formed under KRS 275.005 of which the supervising dentist is a member or manager;
 - (d) A shareholder in a corporation formed under KRS Chapter 271B of which the supervising dentist is a shareholder;
 - (e) A partner or employee of a partnership of which the supervising dentist is a partner or employee; or
 - (f) A government entity that employs the dental hygienist to provide dental hygiene

Unofficial Document

services in a public school in connection with other programs the government entity administers.

(6) A dental hygienist may provide the following procedures in a volunteer community health setting without the supervision of a dentist:

- (a) Dental health education;
- (b) Nutritional counseling;
- (c) Preparing a generalized oral screening with subsequent referral to a dentist;
- (d) Applying fluoride on patients;
- (e) Demonstration of oral hygiene technique; and
- (f) Sealants.

(7) (a) A dental hygienist may provide, for not more than fifteen (15) consecutive full business days, dental hygiene services to a patient when the supervising dentist is not physically present at the location at which the services are provided if all the following requirements are met:

- 1. The dental hygienist has at least two (2) years with a minimum of three thousand (3,000) hours of experience in the practice of dental hygiene;
- 2. The dental hygienist has successfully completed a course approved by the board in the identification and prevention of potential medical emergencies with reregistration in this course every two (2) years;
- 3. The dental hygienist complies with written protocols for emergencies the supervising dentist establishes;
- 4. The dental hygienist does not examine or provide dental health services to a patient who has not been examined by the supervising dentist within the previous seven (7) months. The supervising dentist shall have completed and evaluated a medical and dental history of the patient and shall have placed a written order for treatment in the patient's file. The board shall promulgate

- administrative regulations in accordance with KRS Chapter 13A to determine guidelines for the written order; and
5. A patient is notified in advance of an appointment for dental hygiene services when the supervising dentist will be absent from the location. The patient shall be required to sign an informed consent form, prior to treatment by the hygienist, acknowledging the dentist's absence.
- (b) The board shall promulgate administrative regulations to determine procedures the dental hygienist shall not be allowed to perform while the supervising dentist is absent from the work site.
- (8) A dental hygienist licensed by the board may practice as a public health hygienist and may provide dental hygiene services if:
- (a) The services are provided as part of a dental health program;
- (b) The program for which the hygienist works is operated through the Department for Public Health or a governing board of health; and
- (c) The hygienist performs only accepted standardized protocols which are contained within the scope of practice of dental hygiene and which are reviewed and approved by the Board of Dentistry and either the Department for Public Health or the dentist member of the governing board of health, as set out in administrative regulation.
- (9) A dental hygienist may provide screening services in any setting without the supervision of a dentist if:
- (a) The screening is conducted to fulfill the requirements of KRS 156.160(1)(i); and
- (b) Patients are informed that the service being provided is a screening and that only a dentist is licensed to make a definitive diagnosis of the need for dental care.

➔SECTION 8. KRS 313.045 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to define registration requirements, duties, training, and standards of practice that may be performed by a dental assistant who has a minimum of one (1) year of dental office experience.
- (2) The board shall approve the instructor and the courses of study for approving duties, training, and standards of practice that may be performed by a registered dental assistant.
- (3) A registered dental assistant shall practice under the supervision, order, control, and full responsibility of a dentist licensed under this chapter.
- (4) The registration for each registered dental assistant shall be continuously displayed in a conspicuous place in the office of the licensee.
- (5) Supervising dentists shall only assign to registered dental assistants procedures that do not require the professional competence of a licensed dentist or a licensed dental hygienist.
- (6) Registered dental assistant services may include coronal polishing, a cosmetic procedure that is not essential to therapeutic oral prophylaxis, if the following criteria are observed:

 - (a) Polishing activities are limited to the use of a rubber cap attached to a slow-speed rotary dental handpiece;
 - (b) The assistant has received a certificate from the board's approved instructor that ensures the assistant has successfully completed a dental assisting course developed by the board and a committee of dental educators from the Kentucky institutions of dental education accredited by the Council on Dental Accreditation; and
 - (c) The dental assisting course includes basic dental assisting and coronal polishing instruction that includes didactic, preclinical, clinical training, and competency testing.

(7) Registered dental assistant services shall not include the following:

- (a) The practice of dental hygiene or the performance of the duties of a licensed dental hygienist that require the use of any instrumentation which may elicit the removal of calcareous deposits or accretions on the crowns and roots of teeth;
- (b) Diagnosis;
- (c) Treatment planning and prescription, including prescriptions for drugs or medicaments, or authorization for restorative, prosthodontic, or orthodontic appliances;
- (d) Surgical procedures on hard or soft tissues of the oral cavity, or any other intraoral procedure that contributes to or results in an irreversible alteration of the oral anatomy; and
- (e) The making of final impressions from which casts are made to construct any dental restoration.

(8) A licensed dentist may delegate the taking of radiographs to registered dental assistants who have completed a board-approved course in radiography technique and safety. The course completion certificate shall be maintained by the supervising dentist and be made available to the board upon request.

➔SECTION 9. KRS 313.050 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) A licensed dentist may delegate to competent dental auxiliary personnel those procedures for which the dentist exercises direct supervision and full responsibility as long as the delegated powers do not include any of the following:

- (a) Those procedures which require professional judgment and skill, such as diagnosis and treatment planning and the cutting of hard or soft tissues or any intraoral procedure which will be used directly in the fabrication of an appliance which, when worn by the patient, would come in direct contact with hard or soft tissue;

(b) Those procedures allocated by this chapter to licensed dental hygienists or registered dental assistants; and

(c) No injectable medication or anesthesia shall be administered by auxiliary personnel unless otherwise authorized by law.

(2) A licensed dentist may delegate the taking of radiographs to dental auxiliary personnel who have completed a board-approved course in radiography technique and safety. The course completion certificate shall be maintained by the supervising dentist and be available to the board upon request.

➔SECTION 10. KRS 313.060 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to dental practices which shall include minimal requirements for documentation, Centers for Disease Control compliance, conscious sedation of patients, compliance with federal controlled substances regulations, and any applicable federal statute or regulation.

(2) Any person practicing or offering to practice dentistry or dental surgery shall practice under his or her own name or the name of a deceased or incapacitated dentist for whom the person practicing dentistry has contracted to perform continuing operations.

(3) No person shall conduct a dental office in his or her name nor advertise his or her name in connection with any dental office unless he or she personally performs services as a dentist or dental surgeon in such office or personally supervises such services as are performed in such office during a portion of the time such office is operated by him or her only, and shall not use his or her name in connection with that of any other dentist, except as provided for deceased or incapacitated dentists in subsection (4) of this section.

(4) The executor or administrator of a deceased dentist's estate, or the legal guardian or authorized representative of a dentist who has become incapacitated, may contract with

Unofficial Document

another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice if the practice of the deceased or incapacitated dentist is a:

(a) Sole proprietorship;

(b) Corporation in which the deceased or incapacitated dentist is the sole shareholder;

or

(c) Limited liability company in which the deceased or incapacitated dentist is the sole member.

(5) Contracts to continue the operations of a deceased or incapacitated dentist's practice may extend until the practice is sold.

(6) Prior to contracting with another dentist or dentists to continue operations of a deceased or incapacitated dentist's practice, the executor, administrator, guardian, or authorized representative shall file a notification of intent to contract for continuation of practice with the board on a form prescribed by the board. The notification shall include the following information:

(a) The name and license number of the deceased or incapacitated dentist;

(b) The name and address of the dental practice;

(c) The name, address, and tax identification number of the estate;

(d) The name and license number of each dentist who will provide services in the dental practice;

(e) An affirmation, under penalty of perjury, that the information provided is true and correct and that the executor, administrator, guardian, or authorized representative understands that any interference by the executor, administrator, guardian, or authorized representative, or any agent or assignee of the executor, administrator, guardian, or authorized representative, with the contracting dentist's or dentists' practice of dentistry or professional judgment or any other violation of this chapter is grounds for an immediate termination of the operations of the dental practice;

Unofficial Document

and

(f) Any other information the board deems necessary for the administration of this chapter.

(7) Within thirty (30) days after the death or incapacitation of a dentist, the executor, administrator, guardian, or authorized representative shall send notification of the death or incapacitation by mail to the last known address of each patient of record that has received treatment by the deceased or incapacitated dentist within the previous twelve (12) months, with an explanation of how copies of the practitioner's records may be obtained. This notice may also contain any other relevant information concerning the continuation of dental practice.

(8) A treating dentist who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(9) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

(a) Prevent abuse and fraud through the use of telehealth services;

(b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of dental services and in the provision of continuing education.

(10) A licensed dentist may delegate to a licensed dental hygienist the administration of block and infiltration anesthesia and nitrous oxide analgesia under the direct supervision of a

Unofficial Document

dentist if the dental hygienist completes the following requirements and receives a certificate of verification from the board:

- (a) Formal training from a dental or dental hygiene school accredited by the Commission on Dental Accreditation;
- (b) A minimum of thirty-two (32) hours covering all of the following topics, including but not limited to anatomical considerations, basic injection technique, basic placement technique, nitrous oxide administration, recordkeeping, armamentarium exercise, local anesthesia and nitrous oxide, techniques of maxillary anesthesia, techniques of mandibular injections, partner injections and partner administration of nitrous oxide, neurophysiology, pharmacology of local anesthetics and nitrous oxide, pharmacology of vasoconstrictors, physical and psychological evaluation, local and systemic complications, and contraindications;
- (c) A minimum of two (2) hours of clinical education for nitrous oxide administration with successful completion of administration, monitoring, and removal of nitrous oxide on at least two (2) patients;
- (d) A minimum of twelve (12) hours demonstrating mastery of local anesthesia applications and successful completion of at least three (3) injections each of all maxillary and mandibular injection sites; and
- (e) A score that exceeds seventy-four percent (74%) on a written examination administered after coursework and clinical training.

(11) The board shall approve all continuing education courses and require them for individuals holding anesthesia registration for over one (1) year without practical application. The courses shall be developed and implemented by dental education institutions accredited by the Commission on Dental Accreditation.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 313 IS CREATED TO READ
AS FOLLOWS:

Unofficial Document

(1) A dental laboratory shall employ at least one (1) of the following:

(a) A certified dental technician who shall supervise all work performed in accordance with a written laboratory procedure work order issued by a dentist licensed pursuant to this chapter; or

(b) A dentist licensed pursuant to this chapter.

(2) No dentist shall use the services of any dental laboratory to construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance, without first furnishing the commercial dental laboratory a written procedure work order. Both the commercial dental laboratory and the dentist producing the work order shall keep a copy on file for two (2) years, and all laboratory procedure work orders required by this subsection shall be open to inspection by the board.

(3) A dental laboratory that employs or contracts with a dentist licensed according to this chapter may construct, alter, repair, or duplicate any denture, plate, bridge, splint, orthodontic, or prosthetic appliance without a work order from a referring dentist if the patient is seen or evaluated, or whose care is supervised by the referring dentist.

(4) A dental laboratory that has employed a dentist in accordance with this section, but does not employ a certified dental technician, shall be granted a ninety (90) day grace period following the resignation or termination of the employed dentist, during which time the dental laboratory may continue to service existing patients but shall not see new patients.

➔SECTION 12. KRS 313.070 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) A person who is not licensed or registered to do so, or whose license or registration to do so has been suspended, revoked, or denied, shall not practice as a dentist, dental hygienist, or dental assistant.

(2) Any person who violates subsection (1) of this section is guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.

- (3) The provisions of this section shall not preclude the board from revoking or increasing the suspension period of a person practicing as a dentist, dental hygienist, or dental assistant who has illegally practiced while his or her license or registration is under suspension or has been revoked.
- (4) The filing of criminal charges or a criminal conviction for violation of the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the board from instituting or imposing board disciplinary action authorized by this chapter against any person or organization violating this chapter or the administrative regulations promulgated thereunder.
- (5) The institution or imposition of disciplinary action by the board against any person or organization violating the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the filing of criminal charges against or a criminal conviction of any person or organization for violation of the provisions of this chapter or the administrative regulations promulgated thereunder.
- (6) (a) Nothing in this chapter shall prohibit students from performing dental operations under the supervision of competent instructors approved by the dental school, college, or department of a university. The board may authorize the students of any dental college, school, or department of a university to practice dentistry in any state or municipal institution or public school, or under the board of health, or in a public clinic or a charitable institution. No fee shall be accepted by the student beyond the expenses provided by the stipend.
- (b) Students shall be at all times under the direct supervision of a dentist licensed in this state, who is an instructor of the institution at which they are studying.
- (7) Nothing in this chapter shall prohibit volunteer health practitioners providing services under KRS 39A.350 to 39A.366.
- (8) Violations of this chapter shall be heard in the Circuit Court of the county in which the

Unofficial Document

alleged offense occurred.

➔SECTION 13. KRS 313.080 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) No person shall:

- (a) Call or hold himself out as or use the title dentist, dental specialist, dental hygienist, or dental assistant unless licensed or registered under the provisions of this chapter;*
- (b) Operate, offer to operate, or represent or advertise the operation of a dental practice of any type unless licensed by or employing individuals licensed by the board;*
- (c) Employ a dentist, dental hygienist, or dental assistant unless that person is licensed or registered under the provisions of this chapter; or*
- (d) Maintain any license or certificate authorized by this chapter if convicted of, having entered a guilty plea to, having entered an Alford plea to, or having completed a diversion program for a Class A, B, or C felony offense on or after the date of initial licensure or registration.*

(2) Persons licensed or registered by the board or who are applicants for licensure or registration by the board shall be subject to disciplinary action by the board if they:

- (a) If licensed or registered by the board, violate any provision of this chapter or any administrative regulation promulgated by the board;*
- (b) Use fraud or deceit in obtaining or attempting to obtain a license or registration from the board, or are granted a license upon mistake of a material fact;*
- (c) If licensed or registered by the board, negligently act in a manner inconsistent with the practice of the discipline for which the person is licensed or registered;*
- (d) Are unable to practice a discipline regulated by the board with reasonable skill or safety or are unfit or incompetent to practice a discipline regulated by the board;*

Unofficial Document

- (e) Abuse, misuse, or misappropriate any drugs placed in the custody of the licensee or certified person for administration, or for use of others, or those drugs prescribed by the licensee;
- (f) Falsify or fail to make essential entries on essential records;
- (g) Are convicted of a misdemeanor which involved acts which bear directly on the qualifications or ability of the applicant, licensee, or certified person to practice the discipline for which the person is an applicant, licensee, or certified person;
- (h) Are convicted of a misdemeanor which involved fraud, deceit, breach of trust, or physical harm or endangerment to self or others, acts which bear directly on the qualifications or ability of the applicant, licensee, or certificate holder to practice acts in the license or registration held or sought;
- (i) Are convicted of a misdemeanor offense under KRS Chapter 510 involving a patient;
- (j) Have had a license or certificate to practice as a dentist, dental hygienist, or dental assistant denied, limited, suspended, probated, revoked, or otherwise disciplined in Kentucky or in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth;
- (k) Have a license or registration to practice any activity regulated by the board denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or registration to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth;
- (l) Violate any lawful order or directive previously entered by the board;
- (m) Have been listed on the National Practitioner Databank with a substantiated finding of abuse, neglect, or misappropriation of property;

Unofficial Document

- (n) Fail to notify the board in writing of any change in the person's name, residential address, employment address, preferred mailing address, or telephone number within thirty (30) days of the change;
- (o) Fail to comply with KRS 422.317 regarding patient records; or
- (p) Fail to report to the board any negative outcome related to dental treatment involving intravenous or conscious sedation beyond anxiety control that requires hospital admission.
- (3) A person who violates subsection (1)(a), (b), (c), or (d) of this section shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for each subsequent offense. The board shall consider each individual count of a violation as a separate and subsequent offense.
- (4) The provisions of this section shall not preclude prosecution for the unlawful practice of dentistry by an agency of the Commonwealth.
- (5) The filing of criminal charges or a criminal conviction for violation of the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the Office of the Board from instituting or imposing board disciplinary action authorized by this chapter against any person or organization violating this chapter or the administrative regulations promulgated thereunder.
- (6) The institution or imposition of disciplinary action by the Office of the Board against any person or organization violating the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the filing of criminal charges against or a criminal conviction of any person or organization for violation of the provisions of this chapter or the administrative regulations promulgated thereunder.

➔SECTION 14. KRS 313.085 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) The Law Enforcement Committee shall consist of three (3) members of the board,

- including at least two (2) licensed dentists, appointed by the president of the board.
- (2) The Law Enforcement Committee may, by a majority vote, issue an emergency order for the immediate temporary suspension of a license or certificate against which disciplinary action or an investigation is pending if the order is necessary to protect the public.
- (3) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and there is substantial evidence of immediate danger to the health, welfare, and safety of any patient or the general public.
- (4) A licensee may appeal the emergency order by a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.
- (5) The appeal of an emergency order shall address only the necessity for the action and shall not constitute an appeal of the merits of the underlying complaint or charge.
- (6) The emergency order shall remain in effect until modified or vacated by the Law Enforcement Committee or hearing officer or superseded by final disciplinary action of the Law Enforcement Committee or hearing officer on the underlying complaint or charge.
- (7) The Law Enforcement Committee shall expedite disciplinary hearings in which a license has been suspended under subsection (2) of this section.
- (8) Any party aggrieved by a final order of the board may appeal the final order to the Circuit Court of the county in which the licensee or certificate holder resides after a written decision is rendered.

➔SECTION 15. KRS 313.090 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) In accordance with the provisions of KRS Chapter 13B, all discipline for which the board is authorized to conduct investigations, hold hearings, and impose punishments is

Unofficial Document

- delegated to the executive director, board attorney, and hearing panel as provided in this section.
- (2) Any person may make a complaint to the executive director that a dentist, dental hygienist, dental assistant, or other person licensed or registered by the board has violated a provision of this chapter, an administrative regulation promulgated pursuant to this chapter, a practice standard, or an order of the board.
- (3) Each complaint shall:
- (a) Be in writing;
 - (b) Identify specifically the person or organization against whom the complaint is made;
 - (c) Set forth the facts relating to the violation alleged and any other supporting information which may have a bearing on the matter;
 - (d) Contain the name, address, telephone number, facsimile number, and e-mail address, if available, of the complainant; and
 - (e) Be signed by the complainant as the truth of the statements contained in the complaint by the complainant.
- (4) A complaint which is unsigned shall not be acted upon by the executive director unless the complaint involves a violation of standards set forth by the Centers for Disease Control or alleged mental or physical impairment as provided for in Section 17 of this Act. A complaint which is not signed in the manner specified in subsection (3) of this section shall be returned to the complainant for completion.
- (5) The executive director of the board may, on behalf of the board, based on knowledge available to the Office of the Board, make a complaint against any person or organization regulated by the board in the same manner as provided in subsection (3) of this section.
- (6) Upon receipt of a properly completed complaint, the executive director shall assign the

Unofficial Document

complaint to a staff investigator who shall investigate the complaint and shall make findings of fact and recommendations to the executive director who shall then convene a meeting of the Law Enforcement Committee.

(7) The staff investigator shall notify the person or organization against whom the complaint has been filed and shall notify the employer of the dentist, dental hygienist, or dental assistant of the complaint.

(8) The notification shall name the person or organization complained against, the complainant, the violations alleged, and the facts presented in the complaint and shall notify the person or organization complained against and the employer of:

(a) The fact that the complaint shall be answered, the steps for answering the complaint, and the action to be taken if the complaint is not answered;

(b) The timeframe and steps in the proceedings of a complaint;

(c) The rights of the parties, including the right to counsel; and

(d) The right to testify at any hearing.

(9) Upon the failure of a licensee or certificate holder to respond to a written accusation or to request a hearing within twenty (20) days after the sending of the accusation, the accused shall be considered to have admitted the truth of the facts and the circumstances in the allegation and appropriate discipline may be imposed.

(10) After reviewing the complaint and results of any investigation conducted on behalf of the board, the Law Enforcement Committee shall consider whether the accusation is sufficient to remand the matter for a hearing as provided in this section and KRS Chapter 13B. A majority vote of the members of the Law Enforcement Committee shall be necessary for action to either remand the matter for hearing or dismiss the complaint without a hearing.

(11) If the Law Enforcement Committee dismisses the complaint, all parties notified previously shall be notified of the action. If the Law Enforcement Committee remands

the matter for a hearing, all parties notified previously shall be notified of the action.

(12) Each proceeding to consider the imposition of a penalty which the board is authorized to impose pursuant to this chapter shall be conducted in accordance with KRS Chapter 13B.

(13) A hearing panel for purposes of making a decision in any disciplinary matter shall consist of a quorum of the remaining seven (7) members of the board who are not on the Law Enforcement Committee and the hearing officer.

(14) The board may issue subpoenas to compel the attendance of witnesses and the production of documents in the conduct of an investigation. The subpoenas may be enforced by any Circuit Court for contempt. Any order or subpoena of the court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(15) At all hearings the board attorney or, on request of the board, the Attorney General of this state or one (1) of the assistant attorneys general designated, shall appear and represent the board.

(16) The dentist, dental hygienist, or dental assistant who is the defendant in a hearing shall be a party to the action and may appear and testify in the matter at any deposition or hearing on the matter and may propose conclusions of law, findings of fact, and penalties to the hearing panel.

(17) To make a finding or impose discipline, a majority of the members of the hearing panel who are not the hearing officer shall agree on the finding or discipline.

(18) The final order in any disciplinary proceeding shall be prepared by the hearing officer and sent to all parties in the manner prescribed by law.

(19) Any person or entity aggrieved by a final order of the board may appeal the final order to the Circuit Court of the county in which the person or entity resides in accordance with KRS Chapter 13B.

Unofficial Document

(20) Upon final disposition of a complaint which results in disciplinary action, the final order shall be published on the Web site of the board, placed in the record of the licensed or registered individual, and reported to the National Practitioner Database.

➔SECTION 16. KRS 313.100 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) If it is determined that an entity regulated by the board, a dentist, dental hygienist, dental specialist, or dental assistant has violated a statute, administrative regulation, or practice standard relating to serving as an entity regulated by the board, a dentist, dental hygienist, dental specialist, or dental assistant, the Office of the Board may impose any of the sanctions provided in subsection (2) of this section. Any party to the complaint shall have the right to propose findings of fact and conclusions of law, and to recommend sanctions.

(2) The Office of the Board shall require an acceptable plan of correction and may use any one (1) or more of the following sanctions when disciplining a dentist, dental hygienist, dental specialist, or dental assistant or any entity regulated by the board:

- (a) Private admonishment;
- (b) Public reprimand;
- (c) Fines;
- (d) Revocation of licensure or registration;
- (e) Suspension of licensure or registration until a time certain;
- (f) Suspension until a certain act or acts are performed;
- (g) Limitation of practice permanently;
- (h) Limitation of practice until a time certain;
- (i) Limitation of practice until a certain act or acts are performed;
- (j) Repassing a portion of the clinical examination;
- (k) Probation for a specified time and conditions of probation; or

- (l) Costs of the disciplinary action as defined by administrative regulation.
- (3) A private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l). A private admonishment shall not constitute disciplinary action but may be used by the board for statistical purposes or in subsequent disciplinary action against the same licensee, certificate holder, or applicant.
- (4) The filing of criminal charges or a criminal conviction for violation of the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the Office of the Board from instituting or imposing board disciplinary action authorized by this chapter against any person or organization violating this chapter or the administrative regulations promulgated thereunder.
- (5) The institution or imposition of disciplinary action by the Office of the Board against any person or organization violating the provisions of this chapter or the administrative regulations promulgated thereunder shall not preclude the filing of criminal charges against or a criminal conviction of any person or organization for violation of the provisions of this chapter or the administrative regulations promulgated thereunder.
- (6) The board may maintain an action to enjoin the practice of or the attempt to practice as a dentist, dental hygienist, or dental assistant without a license or registration to do so.
- (7) In case of a violation of any injunction granted under this section, the court may use its inherent powers for adequate relief.
- (8) (a) Any licensee or certificate holder who has received a private admonishment may request in writing for the board to expunge the private admonishment from the licensee or certificate holder's permanent record.
- (b) The request for expungement may be filed no sooner than three (3) years after the date on which the licensee or certificate holder has completed disciplinary sanctions imposed and if the licensee or certificate holder has not been disciplined for any subsequent violation of the same nature within this period of time.

- (c) No person may have his record expunged under this chapter more than once.
- (9) If it is found the person who is licensed or registered by the board has been convicted of, pled guilty to, or entered an Alford plea to a Class A, B, or C felony offense, or has completed a diversion program for a Class A, B, or C felony offense, the license or registration shall be revoked.
- (10) A licensee subject to any disciplinary proceeding under this chapter shall be afforded an administrative hearing conducted in accordance with KRS Chapter 13B and may appeal any final order of the board to the Franklin Circuit Court.

➔SECTION 17. KRS 313.130 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) If the Law Enforcement Committee has reasonable cause to believe any licensee or certificate holder or any applicant for licensure or registration by examination, reinstatement, credentials, or change of status is unable to practice with reasonable skill or safety or has abused alcohol or drugs, it may require such person to submit to a mental or physical examination by a physician or psychologist it designates. Upon the failure of the person to submit to a mental or physical examination, unless due to circumstances beyond the person's control, the Law Enforcement Committee may initiate an action for immediate temporary suspension pursuant to this chapter or deny the application until the person submits to the required examination. The Law Enforcement Committee may issue an immediate and temporary suspension from the time of the examination until the hearing.
- (2) Every licensee or certificate holder or applicant for licensure or registration by examination, reinstatement, credentials, or change of status shall be deemed to have given consent to submit to an examination when so directed in writing by the board. The direction to submit to an examination shall contain the basis of the Office of the Board's reasonable cause to believe that the person is unable to practice with reasonable skill or

Unofficial Document

safety, or has abused alcohol or drugs. The person shall be deemed to have waived all objections to the admissibility of the examining physician's or psychologist's testimony or examination reports on the ground of privileged communication.

(3) The licensee or certificate holder or applicant for licensure or registration by examination, reinstatement, credentials, or change of status shall bear the cost of any mental or physical examination ordered by the Office of the Board.

(4) The board shall establish a committee for individuals licensed or registered by the board, to be designated as the Well-being Committee, to promote the early identification, intervention, treatment, and rehabilitation of individuals licensed or registered who may be impaired by reasons of illness, alcohol or drug abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting, and maintaining the Well-being Committee. The board may promulgate administrative regulations in accordance with KRS Chapter 13A to effectuate and implement the committee and may expend any funds it deems necessary to adequately provide for operational expenses of the committee. Any member of the Well-being Committee, as well as any administrator, staff member, consultant, agent, or employee of the committee acting within the scope of their duties and without actual malice, and all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation, or action taken by the committee, or by any individual member of the committee.

(5) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the Well-being Committee, as well as communications to or from the committee, and any findings, conclusions, interventions, treatment, rehabilitation, or other proceedings of the committee which in any way pertain to an

Unofficial Document

individual licensed or registered who may be, or who actually is, impaired shall be privileged and confidential.

(6) All records and proceedings of the Well-being Committee which pertain or refer to an individual licensed or registered who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records and shall be subject to court subpoena and subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as described in subsection (4) of this section.

(7) The Well-being Committee may disclose information relative to an impaired licensee or certificate holder only when:

(a) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the impaired individual, and only to those persons or organizations with a need to know;

(b) Its release is authorized in writing by the impaired individual;

(c) The committee is required to make a report to the board; or

(d) The information is subject to court order.

➔Section 18. KRS 48.315 is amended to read as follows:

(1) The General Assembly may provide in a budget bill for the transfer to the general fund for the purpose of the general fund all or part of the agency funds, special funds, or other funds established under the provisions of KRS 15.430; 21.347; 21.540; 21.560; 42.500; 47.010; 48.010(15)(g); 56.100; 61.470; 64.345; 64.350; 64.355; 95A.220; 136.392; 138.510; 161.420; 161.430; 164A.020; 164A.110; 164A.800; 164A.810; 216A.110; 230.218; 230.400; 230.770; 248.540; 248.550; 278.130; 278.150; 286.1-485; 304.35-030; 311.450; 311.610; 312.019; Section 4 of this Act[313.350]; 314.161; 315.195; 316.210; 317.530; 317A.080; 319.131; 320.360; 321.320; 322.290; 322.330; 322.420; 323.080; 323.190;

Unofficial Document

323.210; 323A.060; 323A.190; 323A.210; 324.286; 324.410; 325.250; 326.120; 327.080; 330.050; 334.160; 334A.120; 335.140; 342.122; 342.480, etc.

- (2) The transfer of moneys from the agency funds, special funds, or other funds to the general fund provided for in subsection (1) of this section shall be for the period of time specified in the budget bill.
- (3) Any provisions of any statute in conflict with the provisions of subsections (1) and (2) of this section are hereby suspended or modified. Any suspension or modification shall not extend beyond the duration of the budget bill.

➔Section 19. KRS 214.615 is amended to read as follows:

- (1) The licensing board or certifying entity shall require as a condition of granting a license or certificate under KRS Chapter 311A and as specified in KRS 311.450, 311.601, 312.175, **Sections 5, 6, 7, and 8 of this Act**~~[313.080, 313.305]~~, 314.073, 315.065, 320.280, 327.050, 333.190, 335.080, 335.090, 335.100, and 335.150 that an applicant making initial application for licensure or certification complete an educational course approved by the cabinet or the licensing board or certifying entity on the transmission, control, treatment, and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome. An applicant who has not taken a course at the time of licensure or certification shall upon an affidavit showing good cause be allowed six (6) months to complete this requirement.
- (2) The licensing board or certifying entity may promulgate administrative regulations to carry out the provisions of this section.

➔Section 20. KRS 214.620 is amended to read as follows:

- (1) The boards of the professions in KRS Chapter 311A and KRS 311.450, 311.571, 311.601, 312.085, 312.175, **Sections 5, 6, 7, and 8 of this Act**~~[313.040, 313.080, 313.290, 313.305]~~, 314.041, 314.042, 314.051, 314.073, 315.050, 315.065, 320.250, 320.280, 327.050, 333.100, 333.190, 335.080, 335.090, 335.100, and 335.150, and the Cabinet for Health and

Unofficial Document

Family Services shall begin planning for the implementation of those sections listed above which require, as a part of initial licensure or certification, applicants for certain specified professions to complete an educational course on the transmission, control, treatment, and prevention of human immunodeficiency virus and acquired immunodeficiency syndrome. The planning shall include collecting information from the facilities and programs which educate and train the licensed professionals affected by the licensure requirements of those sections listed above and shall also include developing administrative regulations for the implementation of the licensure requirements.

- (2) The Cabinet for Health and Family Services shall develop, if requested by a licensing board or certifying entity, instructional material on the human immunodeficiency virus, including information related to methods of transmission, education, and infection control. The materials developed under this section shall be provided to persons licensed under KRS Chapters 317 and 317A. Costs of production and distribution of the instructional materials shall be wholly assumed from the fees assessed by the licensing boards which regulate the professionals who are provided with educational materials under this section. To expeditiously and economically develop, produce, and distribute the instructional material required under this section, the Cabinet for Health and Family Services shall consult with the professional associations of professions to determine whether suitable instructional materials already exist that may be lawfully reproduced or reprinted.
- (3) The Cabinet for Human Resources shall require that, by July 1, 1992, all employees of health facilities defined in KRS 216B.015 shall have completed an educational course on the transmission, control, treatment, and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome with an emphasis on appropriate behavior and attitude change except for those employees who shall have completed such a course as required for their professional licensure or upon evidence that the employee received such a course from another health facility where the employee was previously employed.

Unofficial Document

- (4) Information on the human immunodeficiency virus infection shall be presented to any person who receives treatment at any hospital, however named, skilled-nursing facilities, primary-care centers, rural health clinics, outpatient clinics, ambulatory-care facilities, ambulatory surgical centers, and emergency-care centers licensed pursuant to KRS Chapter 216B. The information shall include but not be limited to methods of transmission and prevention and appropriate behavior and attitude change.
- (5) Notwithstanding any provision of law to the contrary, the licensing board or certifying entity of any profession required to complete the course described in subsection (1) or (2) of this section shall have the discretion to develop and approve its own instructional course to be required for the profession under the jurisdiction of the respective licensing board or certifying entity.

➔Section 21. KRS 311.668 is amended to read as follows:

- (1) Any person or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an AED shall be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment, where the person acts as an ordinary, reasonable prudent person would have acted under the same or similar circumstances.
- (2) The immunity from civil liability for any personal injury under subsection (1) of this section includes the licensed physician who is involved with AED site placement, the person or entity who provides the CPR and AED site placement, the person or entity who provides the CPR and AED training, and the person or entity responsible for the site where the AED is located.
- (3) The immunity from civil liability under subsection (1) of this section does not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.
- (4) The requirements of KRS 311.667 shall not apply to any individual using an AED in an

Unofficial Document

emergency setting if that individual is acting as a Good Samaritan under KRS 411.148 and **Section 6 of this Act**~~[KRS 313.257]~~.

➔Section 22. KRS 313.254 is amended to read as follows:

- (1) The board may grant a temporary license to a dentist or dental hygienist who holds a currently valid license from another state, district, possession, or territory of the United States for the sole purpose of providing medical care to indigent populations who may not otherwise be able to obtain such services, without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer. The health care services shall be provided to charitable organizations only. **A temporary**~~[The]~~ license **issued under this section** shall be valid for **no more than a ten (10)**~~[seven (7)]~~ day period **during any given charitable event**.
- (2) To obtain the temporary license issued under subsection (1) of this section, the dentist or dental hygienist shall:
 - (a) Apply **online or in writing** to the Board of Dentistry at least thirty (30) days prior to providing the health care services under subsection (1) of this section;
 - (b) **Submit himself or herself for a National Practitioner Databank query to be conducted by the board**~~[Include in the application a letter from the jurisdiction in which the dentist or dental hygienist is licensed that indicates the applicant's license number and a statement that indicates that the dentist or the dental hygienist is in good standing in the licensing jurisdiction; and~~
 - ~~(c) Pay a twenty five dollar (\$25) registration fee].~~
- (3) Prior to beginning the services permitted under subsection (1) of this section, the dentist or dental hygienist shall notify the appropriate agent in the Cabinet for Health and Family Services.
- (4) A dentist or dental hygienist working under this section may perform all preventive procedures and treatments including but not limited to scaling, prophylaxis, radiographs,

sealants, and fluoride application.

- (5) In addition to the procedures permitted under subsection (4) of this section, a dentist may perform those procedures or treatments considered to be routine in nature and that are typically performed and completed in one (1) appointment. The procedures include simple extractions and basic restorative procedures. All procedures performed other than those provided in this subsection and subsection (4) of this section shall be performed by a dentist holding a currently valid license in the Commonwealth.
- (6) A dentist or dental hygienist working under this section who registers as a charitable health care provider under KRS 216.941 shall be eligible for the provision of medical malpractice insurance procured under KRS 304.40-075.
- (7) The board may waive the requirements of subsections (1), (2), and (3) of this section and the requirements of KRS 313.045 for a dentist or dental hygienist who volunteers to provide dental services through a nonprofit, all-volunteer charitable organization.
- (8) The board shall promulgate administrative regulations that are reasonably necessary to administer this section.
- (9) Any person or organization that conducts a nonprofit charitable dentistry event shall be granted immunity from civil liability in accordance with KRS 411.200.**

➔Section 23. (1) The staff of the Legislative Research Commission is directed to study the advantages and disadvantages of locating a Commission on Dental Accreditation (CODA) educational program specializing in the practice of denturistry or in the practice of denture technology at one of the public universities or technical colleges located in the Commonwealth of Kentucky. This study shall update the findings of Research Report No. 292, a study on the practice of denturistry in Kentucky directed by the 1998 General Assembly. This updated report shall be presented to the Interim Joint Committee on Health and Welfare by December 1, 2010.

- (2) Interested persons at the University of Kentucky, University of Louisville, and in the

Unofficial Document

Kentucky Community and Technical College System are encouraged to study the feasibility of adding an accredited denturistry program, or similar program focusing on denture technology, to their available courses of study and report their findings to the Interim Joint Committee on Health and Welfare by December 1, 2010.

(3) Provisions of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date."; and

By renumbering the subsequent sections accordingly; and

On page 103, after line 2, insert the following:

"➔Section 68. The following KRS sections are repealed:

313.140 Unprofessional conduct.

313.150 Proceedings to reprimand, place on probation, revoke, suspend, refuse to renew, or refuse to issue license -- Administrative hearing -- Appeal.

313.170 Record of revocation or suspension.

313.190 Practice prohibited when license suspended or revoked.

313.195 Emergency order for immediate temporary suspension of license -- Appeal to board -- Hearing -- Appeal of final order.

313.197 Contracts to continue the operations of a deceased or incapacitated dentist's practice.

313.200 Board of Dentistry -- Members -- Qualifications -- Terms -- Vacancies -- Compensation.

313.210 Officers of board -- Meetings -- Quorum -- Record books.

313.220 Powers and duties of board -- Annual report.

313.225 Investigators, appointment.

313.230 Dentist to display license and certificate.

313.240 Professional service corporations, professional limited liability companies, and

partnerships -- Use of names -- Places of practice -- Limitation on number of practices per person.

313.243 Duties to report names and capacity of assistants on demand.

313.247 Laboratory procedure work order required for dental laboratory work, exception.

313.250 Dentists' prescriptions to be filled -- Death certificates, signing -- Persons exempt from law.

313.254 Temporary license for dentist or dental hygienist to provide medical care to indigent populations -- Waiver for volunteers.

313.255 Duty of treating dentist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".

313.257 Nonliability of licensees for emergency care.

313.258 Dentist serving as member of medical review board -- Nonliability.

313.259 Injunctive relief against unauthorized practice.

313.260 Board to administer dental hygiene law.

313.270 Powers and duties of board as to dental hygiene law.

313.280 Compensation of board members.

313.290 Eligibility for examination for license to practice dental hygiene.

313.300 Application for examination -- Fee -- Issuance of license -- Annual fee.

313.303 Reciprocal licensing of dental hygienists -- Fee.

313.305 Biennial renewal of license -- Completion of continuing education courses a prerequisite to license renewal -- Notification of change of address.

313.310 License required -- Practice regulated -- Practice when supervising dentist not present -
- Display of license -- Duties of supervising dentist -- Employment -- Permitted screening services.

313.320 Form of licenses.

- 313.330 Disciplinary actions against dental hygienists -- Private admonishment.
- 313.340 Appeal from order revoking, suspending or refusing to renew license.
- 313.343 Delegation of block and infiltration anesthesia and nitrous oxide analgesia to dental hygienist -- Certificate of verification -- Fee -- Continuing education for anesthesia certification.
- 313.345 Administrative regulations on practices that may be performed by dental assistant -- Courses of study -- Supervision by dentist -- Certificate -- Dental assistant services.
- 313.350 Revolving fund of board -- Petty cash fund.
- 313.400 Specialties listed.
- 313.410 License to practice as specialist required.
- 313.420 Licensure of practicing specialist -- Examinations -- Exemption from examination requirement.
- 313.430 Qualifications for specialist's examination -- Fee -- Method of examination.
- 313.440 Fees for license certificates -- Contents of certificates.
- 313.445 Specialist's practice limited -- Authority of general practitioner -- Exception from specialty license requirement for charitable health care provider.
- 313.460 Suspension or revocation of specialty licenses.
- 313.470 Disposition of fees.
- 313.510 Dental Laboratory Advisory Commission -- Membership -- Duties.
- 313.520 Annual registration of laboratories and technicians -- Fees -- Certificates of authority.
- 313.530 Operation without registration prohibited.
- 313.540 Injunction.
- 313.600 Request to expunge minor violations from permanent record -- Administrative regulations.
- 313.990 Penalties."